

**REMARKS**

Claims 116-144 are pending in the application.

Claims 116-144 stand rejected.

Claims 116, 118, 120, 127, 129, 131, 133, 135, 137, 139, 141 and 143 have been amended.

Claims 117, 130, 134, 136, 138 and 142 have been cancelled.

**Formal Matters**

The title of the invention was objected to as being insufficiently descriptive. Applicants have amended the title to more clearly indicate the subject matter of the claimed invention, and so believe this issue to be addressed.

Applicants respectfully also note that claims 1-115 have been cancelled, and are not simply withdrawn, as noted in the Office Action.

**Rejection of Claims under 35 U.S.C. §101**

Claims 117-127, 129-132, 134-136, 138-140 and 142-144 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

With regard to claims 117-127, 130-132, 134-136, 138-140 and 142-144, Applicants have amended these claims to remove the term “much”. Applicants believe this amendment addresses the Examiner’s concerns. The Office Action does query that “How about if not what

will be the result?” Applicants respectfully submit that, with regard to any conditionals recited in the claims (e.g., “... if the comparing indicates ...” or the like), any outcomes alternative to those recited in the conditional are irrelevant to the given conditional, and need not be (though, in fact, may be) comprehended by other conditionals (e.g., “... otherwise, ...” or the like) recited elsewhere in the given claim or in other claims within the given claim’s dependency hierarchy.

As to the rejection of claim 129, Applicants respectfully assert that claim 129 (as well as claims 131-132) is directed to statutory subject matter by definition. As claim 129 (and claims 131-132) is in “means-plus-function” form, per 35 U.S.C. §112, para. 6, and so finds the basis for its being statutory subject matter therein, as an apparatus.

*Rejection of Claims under 35 U.S.C. §102*

Claims 116-144 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Baumgartner, et al., U.S. Patent Publication No. 2005/0022115 (Baumgartner).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051,

1053 (Fed. Cir. 1987). Applicants respectfully submit that Baumgartner fails these criteria in several regards.

Amended independent claim 116 appears below:

116. A method comprising:  
selecting a set of instances from a set of data;  
determining a number of related records in a set of related records of a table, wherein  
    each record of the set of related records is related to one instance of the set of instances;  
comparing the number of related records and a number of instances in the set of instances prior  
    to generating a set of select statements to select the set of related records from the table;  
and  
if the comparing indicates that the number of instances is greater than the number of related  
records,  
    generating the set of select statements to comprise one select statement to select the set of  
    related records from the table, wherein  
    the one select statement includes a clause to select a corresponding record for  
    each instance of a set comprising a maximum number of instances of the  
    set of instances,  
    the maximum number of instances is determined by a maximum number of  
    clauses in the one select statement, and  
the one select statement is configured to  
    cause an update operation to be performed on a record in the table, if the  
    record already exists in the table, and  
    cause an insert operation to be performed to insert the record in the table,  
    if the record does not already exist in the table.

Claims 128, 137, 146 and 155 recite substantially comparable limitations, as well as other limitations. Support for the amendments presented herein can be found in the Specification, at least at p. 31, line 26, through p. 36, line 22, as well as other portions of the Specification.

These claims are directed, at least in part, to what is referred to in the Specification as an “upsert” operation. Such an operation results from the generation of a select statement that, for example, is configured to cause an update operation to be performed on a record in the table, if the record already exists in the table, and an insert operation to be performed to insert the record in the table, if the record does not already exist in the table. Such a select statement can be generated in the case in which, for example, the number of instances is greater than the number of related records, which can make the efficiency of the claimed invention particularly attractive.

By contrast to the claimed invention, Baumgartner is directed to the generation of visual and interactive wrappers, the extraction of automated information from web pages, and the translation thereof into XML, and is described as:

“A method and a system for information extraction from Web pages formatted with markup languages such as HTML [8]. A method and system for interactively and visually describing information patterns of interest based on visualized sample Web pages [5,6,16-29]. A method and data structure for representing and storing these patterns [1]. A method and system for extracting information corresponding to a set of previously defined patterns from Web pages [2], and a method for transforming the extracted data into XML is described. Each pattern is defined via the (interactive) specification of one or more filters. Two or more filters for the same pattern contribute disjunctively to the pattern definition [3], that is, an actual pattern describes the set of all targets specified by any of its

filters. A method and for extracting relevant elements from Web pages by interpreting and executing a previously defined wrapper program of the above form on an input Web page [9-14] and producing as output the extracted elements represented in a suitable data structure. A method and system for automatically translating said output into XML format by exploiting the hierarchical structure of the patterns and by using pattern names as XML tags is described.” (Baumgartner, Abstract)

Thus, the claimed invention is directed to generating a select statement that is configured to cause the generation of either of an update operation or an insert operation. The claimed invention makes this determination based on whether or not the given entry exists in the table being accessed. By contrast, Baumgartner is directed to the generation of visual and interactive wrappers, the extraction of automated information from web pages, and the translation thereof into XML. Applicants respectfully submit that a system for generation, extraction and translation, as described in Baumgartner, does not anticipate the claimed invention, for at least the reason that nowhere is there taught in Baumgartner’s disclosure the generating of a select statement (or any other statement) that is configured to cause the generation of either of an update operation or an insert operation based on the existence (or lack thereof) of a given entry in the table being accessed.

Although the Office Action fails to point to any disclosure in Baumgartner regarding the causing of either of an update operation or an insert operation by a select statement, the following passages from Baumgartner are cited with regard to the generation of a select statement :

“In the next step [1703] the system asks the designer to visually select two offsets, in our preferred embodiment simply using two mouse clicks onto the sample document. Based on these, the system generates a basic extraction definition [1704] without attributes and a generalized tree path. This process is described in detail in FIG. 12. The designer is shown the computed example target [1705] and she is asked if the target is the desired one [1706]. In [1707] the basic extraction definition is refined. Several options are possible to select relevant attribute conditions. All of those are "sample based", i.e. somehow refer to attributes occurring within the example target. Within attribute selection, the designer might choose to add concept/pattern conditions and comparison conditions. These are, in our preferred embodiment, reflected as special atoms occurring in the same filter as the extraction definition atom and share some variables with it. With concepts and comparisons one might for instance express that the content of an element is a date and is before 10th of Mar. 2001 (keep in mind that the content of an element is used as special attribute). See FIG. 22 and FIG. 27 for a more detailed description and a flow-diagram for adding attributes and concepts.” (Baumgartner, para. 579)

“In case of positive conditions, the designer may specify two distance tolerance values (in our preferred embodiment by moving sliders and highlighting the current tolerance interval). The first value indicates the allowed deviation from the current position to the left, and the second one to the right. In case of

negative conditions one value can be specified expressing the maximum allowed distance (e.g. by simply clicking into an example pattern instance to indicate the maximum allowed distance).

FIG. 30 illustrates how selected distances are reflected as percentage values in the external condition predicates by giving an example. [3001] illustrates an example pattern instance, and [3002] a selected before element. In case of before elements, the end offset is considered for computing the actual distance from the pattern instance (for which its start offset is used). [3003] is one selected parent pattern instance wherein both the pattern instance and the before element occur. Based on the actual distance and the maximum and minimum possible distance the designer can set two distance tolerance percentage values, one to the left and one to the right. Setting both to 100% internally is represented as start %=0 and end %=100. The selected distance tolerances are recomputed on the basis of the distance from the pattern start instance to the parent pattern start instance (which acts as 100% and maximum possible distance from pattern instance) to two percentage values, in the example labeled as start % and end % [3004,3005]. These values are relative to the current pattern instance and parent pattern instance since percentages are stored (instead of absolute values).” (Baumgartner, paras. 0624-0625)

As can be seen, the cited passages fails to show, teach or even suggest the generating of a select statement (or even anything comparable thereto), particularly any statement that is configured to cause the generation of either of an update operation or an insert operation based on the existence (or lack thereof) of a given entry in the table being accessed.

However, Applicants have amended independent claims 116, 128, 137, 146 and 155 to clarify the foregoing distinctions, and so these claims now recite the following language (or language comparable thereto):

“ ...

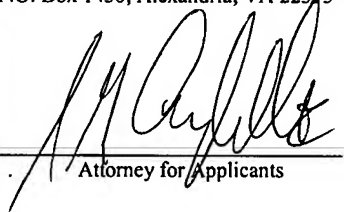

the one select statement is configured to  
cause an update operation to be performed on a record in the table, if the  
record already exists in the table, and  
cause an insert operation to be performed to insert the record in the table,  
if the record does not already exist in the table.”

Applicants respectfully submit, therefore, that amended independent claims 116, 129, 133, 137 and 141 are allowable over Baumgartner and Applicants respectfully urge the Examiner to withdraw the §102 rejection of these claims. Applicants further respectfully submit that dependent claims 118-128, 131-132, 135, 139-140 and 143-144 are allowable as depending upon allowable base claims in addition to being allowable for various other reasons.

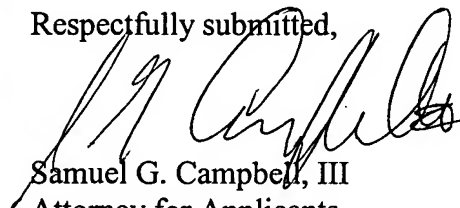


CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 11, 2007.	
	
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